

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RAVANNA SPENCER,)
)
 Plaintiff,)
v.) C.A. No. 06-132 Erie
)
C/O FIES, et al.,)
)
 Defendants.)

MEMORANDUM JUDGMENT ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on June 5, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on April 16, 2008 [105], recommends that: (1) The Motion for Summary Judgment [88] filed on behalf of the "DOC Defendants" (i.e, Defendants Fies, Webb, Eddy, Hendrix, Cimperman, Sayers, Franz, Edmonds, Patz, Beard, and Brooks) be granted; (2) The Motion for Summary Judgment [96] filed on behalf of Defendant Longstreet be granted; and (3) the Motion to Dismiss [97] filed on behalf of Defendant Longstreet be dismissed as moot. The parties were allowed ten (10) days from the date of service in which to file objections. Plaintiff's objections [108] were filed on May 7, 2008.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 30th Day of May, 2008, IT IS HEREBY ORDERED that:

- (1) The Motion for Summary Judgment [88] filed on behalf of the "DOC Defendants" (i.e, Defendants Fies, Webb, Eddy, Hendrix, Cimperman, Sayers, Franz, Edmonds, Patz, Beard, and Brooks) be granted;
- (2) The Motion for Summary Judgment [96] filed on behalf of Defendant Longstreet be granted; and
- (3) the Motion to Dismiss [97] filed on behalf of Defendant Longstreet be dismissed as moot.

IT IS FURTHER ORDERED that JUDGMENT be, and hereby is, entered in favor of Defendants Fies, Webb, Eddy, Hendrix, Cimperman, Sayers, Franz, Edmonds, Patz, Beard, Brooks, and Longstreak and against Plaintiff, Ravanna Spencer.

The report and recommendation of Chief Magistrate Judge Baxter dated April 16, 2008 [105] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Susan Paradise Baxter